

NOTICE • NOTICE • NOTICE • NOTICE • NOTICE

STARTING WITH THE 12/1/08 CALENDAR, A **“SECOND CHECK” WILL NO LONGER BE CONDUCTED.** ONLY ONE EXAMINATION OF THE FILES WILL BE MADE APPROXIMATELY TWO WEEKS PRIOR TO THE HEARING. THESE NOTES REPRESENT THE STATUS OF THE FILE AT THAT TIME. ANY LATER DOCUMENTS WILL NOT BE REVIEWED BY THE PROBATE EXAMINERS PRIOR TO THE HEARING.

NOTICE • NOTICE • NOTICE • NOTICE • NOTICE

All corrections to notes on this calendar should be filed no later than 12 P.M. (Noon) on 11/13/08. **Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case.** The update to these notes will be posted in the late afternoon of the following day.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH PROBATE

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600171

CASE NAME: ESTATE OF DOLORES SALAZAR

HEARING:
Accounting Review

COUNSEL:
LARRY SALAZAR (PET)...MICHAEL J OBRIEN
DOLORES SALAZAR (DEC)...

GENERAL INFORMATION:

Letters of Administration issued 3/9/07 (full authority, no bond)

Continued from 5-13-08. Nothing new filed.

Continued from **7-1-08** at request of counsel to file accounting. Nothing new filed.

Continued from 8-26-08. Counsel checked in with the clerk, but then left before the case could be called. Court then continued matter. Clerk gave notice to counsel of record.

Nothing new filed.

Last continued from 10/14/08. Court expresses concerns re the status of this case. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. There is no bonding company to notice.
(GLS/NMT/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600339

CASE NAME: JOSEPH EVANS PAULINE
SEE ALSO 2A 3

HEARING:

Order to Show Cause re: Failure to appear/file an accounting
filed by SUZANNE STALKER.

COUNSEL:

SUZANNE STALKER (PET)...MICHAEL J OBRIEN
JOSEPH EVANS PAULINE (DEC)...

GENERAL INFORMATION

Continued from 8-26-08 and 10/14/08. Counsel checked in before calendar call and was not present when the case was called. Bonding company has been noticed. Counsel has been noticed.

THIS CASE IS SET FOR HEARING ON O.S.C. failure to file an accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter was set when case was on for accounting review, no accounting was filed and no one appeared.
2. Status report is filed (see page 3)

RECOMMENDATION:

Court's discretion.

NMT/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600339

CASE NAME: JOSEPH EVANS PAULINE
SEE ALSO 2 3

HEARING:

Order to Show Cause re: Failure to Appear/File an I & A filed by
SUZANNE STALKER.

COUNSEL:

SUZANNE STALKER (PET)...MICHAEL J OBRIEN
JOSEPH EVANS PAULINE (DEC)...

GENERAL INFORMATION

Continued from 8-26-08 and 10/14/08. Counsel checked in before calendar call and was not present when the case was called. Bonding company has been noticed. Counsel has been noticed.

THIS CASE IS SET FOR HEARING ON O.S.C. failure to file final inventory and appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter was set when case was on for filing of final inventory and appraisal, no final inventory and appraisal was filed and no one appeared.
2. Status Report is filed (see page 3)

RECOMMENDATION:

Court's discretion.
NMT/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600339

CASE NAME: JOSEPH EVANS PAULINE
SEE ALSO 2 2A

HEARING:
Probate status report filed.

COUNSEL:
SUZANNE STALKER (PET)...MICHAEL J OBRIEN
JOSEPH EVANS PAULINE (DEC)...

GENERAL INFORMATION:
Letters of Administration issued 4/4/07 (full authority, \$400,000 bond)

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service per Pr.C. §12201(b).
2. Petitioner alleges she is currently working with her accountant to prepare the accounting and with IRS to resolve tax issues. Report is signed by attorney for petitioner. Report must be verified by petitioner per Pr.C. §1021.
3. Petitioner does not indicate what additional time is needed to prepare the accounting or resolve the tax issues. File verified supplement.

RECOMMENDATION:
Need to clear notes.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700237

CASE NAME: BONNIE LYNN KIM

HEARING:
Accounting Review

	COUNSEL:
WENDY R SMITH	(PET)...PRO/PER
BONNIE LYNN KIM	(DEC)...

GENERAL INFORMATION

Continued from 7/28/08 and 9/11/08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 5/21/07, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.
(kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700251

CASE NAME: MTR OF DAVID E HOOVER

HEARING:
Probate status report filed.

COUNSEL:
DAVID E HOOVER JR (PET)...HARTNELL, LISTER & MOORE
DAVID E HOOVER (DEC)...

GENERAL INFORMATION:
Letters Testamentary issued on 6/28/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON Probate Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the estate is not in a position to close as independent verification of the status of litigation involving a Judgment in Federal Bankruptcy Court is pending. Petitioner requests an additional year to conclude the estate proceeding.
2. Need to file notice of hearing and proof of service per Pr.C. §12201(b)

RECOMMENDATION:
Need notice and then court's discretion. If approved, set next accounting review for 12/3/09. Accounting to be filed 30 days in advance.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700273

CASE NAME: ROSITA M VILLARIN

HEARING:

FIRST AND FINAL Account and Report of EUGENE M VILLARIN and
Petition for allowance of fees filed.

COUNSEL:

EUGENE M VILLARIN (PET)...LAW OFFICES OF FORREST F WOLFE
ROSITA M VILLARIN (DEC)...
STATE OF CALIFORNIA FRANCHISE (AGN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$18,204.97. Ok.
4. Petitioner paid an initial filing fee of \$1,135.00 which included an \$815.00 graduated filing fee. Petitioner is entitled to and requests reimbursement of the graduated filing fee of \$815.00 per Burkey v. State of California (2008) 161 Cal. App. 4th 465.

RECOMMENDATION:

Need notice and then court's discretion. If approved, court to set hearing on filing receipts
and final discharge for 12/3/09.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700559

CASE NAME: DORIS I WADE

HEARING:
Accounting Review

	COUNSEL:
CHARLES CRHA	(PET)...PATRICK J. SILVA
DORIS I WADE	(DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 7/24/07 (full authority, no bond)

Continued from 9/25/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting/status report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. No bond company to notice.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700615

CASE NAME: MTR OF NATALIE C BACON

HEARING:
Probate status report filed.

COUNSEL:
DONNA LORD (PET)...EDWARD G. OPERINI
NATALIE C BACON (DEC)...
DEPARTMENT OF HEALTH CARE SERV(TP)...PRO/PER

GENERAL INFORMATION:
Letters Testamentary issued 8/7/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON Probate Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. During the administration, petitioner learned that the decedent had a reverse mortgage against the residence and that the residence was very cluttered. Despite attempts to clean out the residence and sell it, petitioner alleges the estate real property was lost to foreclosure on or about 7/30/08. Petitioner further alleges that the estate has no other assets and a petition to terminate the estate will be filed.

RECOMMENDATION:
Court's discretion. Court may wish to set a review date for the filing of a petition to terminate estate for 60 days.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700675

CASE NAME: NANCY V. DAVIS

HEARING:

FIRST AND FINAL Account and Report of ROBERT K HALLBERG and
Petition for allowance of fees filed.

COUNSEL:

ROBERT K HALLBERG (PET)...CRAIG M PARKER
NANCY V DAVIS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Report and Petition
for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests statutory compensation of \$4,315.00. Ok.
2. Attorney requests statutory fees of \$4,315.00. Ok.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing receipts and final discharge for 12/3/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700731

VACATE – FINAL INVENTORY FILED 10/8/08

CASE NAME: LUCILE I CARTER
SEE ALSO 11

HEARING:
Hearing re: Inventory and appraisal

	COUNSEL:
MELODIE Z SCOTT	(PET)...HARTNELL LISTER & MOORE
LUCILE I CARTER	(DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700731

CASE NAME: LUCILE I CARTER
SEE ALSO 10

HEARING:
FIRST AND FINAL Account and Report of MELODIE Z SCOTT and
Petition for allowance of fees filed.

COUNSEL:
MELODIE Z SCOTT (PET)...HARTNELL LISTER & MOORE
LUCILE I CARTER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Petitioner requests statutory compensation of \$18,342.48, less \$260.00 (see note 5), for a total of \$18,082.48. As part of the statutory basis, petitioner calculated "receipts" in the amount of \$62,082.69. The receipts actually total \$61,832.69. Additionally, some of the receipts included "loan advances-1st Centennial" totaling \$55,000.00. Question "loan advances". If loan advances are part of the equity of the real property, then question authority to utilize such advances towards the statutory basis? File verified supplement.
3. Attorney requests statutory fees of \$18,342.48. Same question as to statutory basis as set forth in note 2. File verified supplement.
4. Petitioner requests authority to withhold \$10,000 as a reserve for taxes yet due and unforeseen contingencies. Ok.
5. Petitioner alleges she has paid \$260.00 to family members to clean up supervision of the real property of the decedent in Los Angeles County.

Petitioner states that the \$260.00 will be credited against her statutory commission.

6. A review of the Escrow Closing statement for the sale of the real property at 12419 Sarah Street, Studio City, CA shows that the sum of \$15,183.30 was paid to the "Law Office of Caren R. Nielsen, APC". Question the purpose of this payment and whether these attorney's fees were previously approved by the court? File verified supplement. Note: On 6/11/07, the sum of \$8,121.72 was also paid to Caren Nielsen. Need to provide copy of Final Order from the Los Angeles County conservatorship proceeding.
7. Proposed distribution is set forth on page 6, paragraph 14. Residual proportions are tabbed, but there is no offset for any Assignments made to American Research Bureau (heirsearch company). It appears that the residual proportions were determined through an heirsearch company but no proofs of relationship or other documentary evidence is presented. Additionally, the court has not made a determination of entitlement per Pr.C. §11700 et seq. Question whether this estate is in a position to close or whether a determination of entitlement should be filed? File verified supplement or JTD.
8. Petitioner alleges there are eight beneficiaries of the estate who have been identified but whose whereabouts are unknown. Petitioner requests authority to distribute these shares in care of the San Bernardino County Treasurer (See note 7). Additionally, an alternate distribution should be set forth in the proposed order for final distribution per Pr.C. §11603(c).

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700779

CASE NAME: RODGER LEE DUKE

HEARING:

waiver of Account and Report of WILLIAM LEE DUKE and Petition
for allowance of fees filed.

COUNSEL:

WILLIAM LEE DUKE	(PET)...	ALAN D. DAVIS
RODGER LEE DUKE	(DEC)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sole residual heir has waived an accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$4,143.30. Ok.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing receipts and final discharge for 12/3/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700845

CASE NAME: KEVIN A. CALDWELL
SEE ALSO 14 15

HEARING:
Hearing Re: Proof of Posting of Bond

COUNSEL:
LYDIA CALDWELL (PET)...MILES & HATCHER
KEVIN A CALDWELL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON OSC re proof of payment of bond (not proof of posting bond as bond was posted on 4/29/08).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 9/15/08, the bond company filed a Notice of Non-Payment of Bond Premium indicating a past-due premium in the amount of \$1,991.00 has not been paid.
2. Petitioner has filed a petition for limited IAEA powers and to reduce bond (see page 15).

RECOMMENDATION:
Court's discretion.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700845

CASE NAME: KEVIN A. CALDWELL
SEE ALSO 13 15

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
LYDIA CALDWELL (PET)...MILES & HATCHER
KEVIN A CALDWELL (DEC)...

GENERAL INFORMATION:
Letters Testamentary issued 4/29/08 (full authority, \$600,000 bond)

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory is filed (overdue by 3 months)

RECOMMENDATION:
Find out status.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700845

CASE NAME: KEVIN A. CALDWELL
SEE ALSO 13 14

HEARING:
Petition for TO LIMIT INDEPENDENT ADMINISTRATION OF ESTATE
AUTHORITY OF PERSONAL REPRESENTATIVE

COUNSEL:
LYDIA CALDWELL (PET)...MILES & HATCHER
KEVIN A CALDWELL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to limit IAEA powers and to reduce bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner was appointed executor of the estate on 11/27/07 with full authority and \$600,000 bond. Bond was posted on 4/29/08. Petitioner alleges the bond now exceeds the available assets in the estate as one of the estate's real property was lost to foreclosure. The other property is currently rented for approx. \$1,300/month which is paying the mortgage. The approximate value of the second home is \$200,000. Petitioner requests that the IAEA authority be modified to "limited" authority. Finally, petitioner alleges there is no cash available to pay bond premiums.
2. Need to file notice of hearing and proof of service.
3. No inventory has been filed (it is overdue by 3 months). Court may wish to require petitioner to file an inventory to determine the value of the estate including any liquid assets.

RECOMMENDATION:
Need notice and then court's discretion.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800153

CASE NAME: MTR OF THOMAS HAROLD GUTHORMSEN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ALLAN GUTHORMSEN (PET)...GRIDER LAW OFFICE
THOMAS HAROLD GUTHORMSEN (DEC)...

GENERAL INFORMATION:

Letters of Administration issued 4/17/08 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory filed (overdue by 3 months)

RECOMMENDATION:

Find out status.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800199

VACATE – FINAL INVENTORY FILED

CASE NAME: CYNTHIA LYNN REED
SEE ALSO 18

HEARING:
Hearing re: Inventory and appraisal

	COUNSEL:
LORNA B SYKES	(PET)...CARL G EHMANN
JANINE JOY WAGNER	(PET)...CARL G EHMANN
CYNTHIA LYNN REED	(DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800199

CASE NAME: CYNTHIA LYNN REED
SEE ALSO 17

HEARING:

FIRST AND FINAL Account and Report of LORNA B SYKES, JANINE JOY
WAGNER and Petition for allowance of fees filed.

COUNSEL:

LORNA B SYKES	(PET)...	CARL G EHMANN
JANINE JOY WAGNER	(PET)...	CARL G EHMANN
CYNTHIA LYNN REED	(DEC)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Lorna Sykes, requests reimbursement of costs advanced of \$22,818.99. Itemized. JTD
2. Petitioners request statutory compensation of \$8,821.02. Ok.
3. Attorney requests statutory fees of \$8,821.02. Ok.
4. Attorney requests extraordinary fees of \$2,040.00 for services rendered in connection with the sale of the residence. Billed at \$150/hour for 13.6 hours. Itemized. JTD

RECOMMENDATION:

RFA subject to court's determination of reimbursement of costs and extraordinary attorney's fees. If approved, court to set hearing on filing receipts and final discharge for 12/3/09.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800275

CASE NAME: MARIA DEL SOCORRO RIOS

HEARING:

Petition to determine succession to Real Property

COUNSEL:

MARIA TERESA VALTIERRA RIOS (PET)...AVILES & ASSOCIATES
MARIA DEL SOCORRO RIOS (DEC)...

GENERAL INFORMATION:

Continued from 05/01/08, 6/5/08, 7/31/08 and 9/25/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner claims an ownership interest in decedent's real property. There are five individuals listed on item 14 of the petition. Are these individuals the issue of decedent? Need relationships identified. If five individuals are all of the same degree of relationship, all five must sign and join in the petition. File verified supplement and/or corrected petition.
2. Item 8 of the petition indicates that the value of the real property is listed on the attached Inventory and Appraisal. There is no inventory attached. Need same.
3. Proposed order is incomplete as to item 9b as it does not fully incorporate the names/addresses of the persons entitled to succeed to decedent's interest in real property. Please submit new proposed order.

RECOMMENDATION:

Need to clear notes.

(gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800309

CASE NAME: JENNY LEE McCOY

HEARING:

WAIVER OF FIRST AND FINAL Account and Report of MARY WEST and
Petition for allowance of fees filed.

COUNSEL:

MARY WEST (PET)...DAVIS & WOJCK
JENNY LEE MCCOY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the sole beneficiary and waives an accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$10,621.14. Ok.
4. Petitioner paid an initial filing fee of \$385.00, which included a \$65.00 graduated filing fee. Petitioner is entitled to a reimbursement of the \$65.00 graduated filing fee per Burkey v. State of California (2008) 161 Cal. App. 4th 465.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing receipts and final discharge for 12/3/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800743

CASE NAME: ORAL TRUST OF LAURA K.H. DOYEL

HEARING:
Petition for INSTRUCTIONS AND APPROVAL OF ACCOUNTING

COUNSEL:	
LAURA K.H. DOYEL	(PET)...JAMES B CHURCH
LAURA H.K. DOYEL	(PET)...JAMES B CHURCH
JEFFREY KILLEEN	(TEE)...DINA HOFFMAN

GENERAL INFORMATION:
Continued from 9/25/08. Court

THIS CASE IS SET FOR HEARING ON Petition for Instructions and Approval of Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that petitioner inadvertently became the trustee of an oral trust upon indefinite terms but unmistakably for the benefit of Laura Doyel ("Laura"). Petitioner alleges that Laura owns real property at 10350 Evergreen Rd., Pinon Hills. Laura obtained a home equity line of credit of \$140,000 on or about 3/28/08, secured by the real property, and that the amount was deposited into a bank account Laura had together with her daughter Penny Haskins ("Penny"). Petitioner further alleges that after this transaction that Adult Protective Services ("APS") was concerned and started investigating. In addition, petitioner alleges that in order for Laura to qualify for such a loan, that the real property could not be held into an irrevocable trust. However, it was agreed upon by Laura and Penny that the cash would be transferred to an irrevocable trust with petitioner agreeing to serve as trustee. Petitioner is a licensed and practicing attorney and believes he is in a conflicted position and seeks instruction from the court as follows:

- (a) The initial trust signed by Laura was established with \$10.00 initial principal, which petitioner alleges was not executed properly leaving petitioner the trustee under an oral trust until the court approves a proper written document.
 - (b) Penny electronically transferred \$120,216.45 into petitioner's attorney-client trust account on or about 4/2/08. To provide some support for Laura for her benefit, petitioner concluded that he should disburse \$2,500/month to Laura which has been done for 3/08-7/08. In addition, at the recommendation of APS, petitioner disbursed an additional \$2,500 to Laura for emergency needs.
 - (c) Petitioner has been informed that Laura has lost her eligibility for Medi-Cal benefits as a result of the cash petitioner is holding for Laura's benefit. Petitioner has drafted a proposed Medi-Cal planning Trust ("MPT") with petitioner as trustee. Petitioner also has provided Laura with a testamentary power of appointment permitting her to allocate assets of the MPT as she wishes. In addition, there is a provision that permits the trustee to make unsecured loans to anyone except for loans to the spouse or issue of the spouse of the issue of the trustee. Finally, distribution is one-half to Penny and one-half to Richard, children of Laura, but eliminating Andrea and Roberta, Laura's older children whom Laura indicated were well established and did not need her money.
 - (d) Petitioner also seeks authority to apply the remaining funds (approximately \$90,000) to repay the home equity credit loan and authority to provide for Laura's living expenses to the extent allowable under Medi-Cal rules. Petitioner alleges that Laura will be living in an assisting living facility at the monthly cost of \$1895.00. However, petitioner believes that Penny may have removed Laura from the facility. However, petitioner requests authority to continue to pay to Laura the sum of \$2,000 for monthly care.
 - (e) Petitioner requests that the title to the Pinon property be transferred to petitioner, as an individual. Question why this would benefit Laura? Why wouldn't the property be transferred to the trust? Isn't the residence of the beneficiary an exempt asset from eligibility for Medi-Cal? File verified supplement. **Points and Authorities filed. Petitioner alleges that the Court's order creating the Trust and transfer of cash assets into that trust would disqualify beneficiary from Medi-Cal benefits. Petitioner cites 22 CCR § 50489.5. However, pursuant WIC §14406(c) and 42 USC § 1396p(h)(5), the codes state that the primary residence of the beneficiary would be an exempt asset for determining Medi-Cal eligibility. Court may wish to require real property to be transferred to petitioner as trustee of the trust as real property is an exempt asset.**
2. The disbursements set forth "professional fees" of \$14,493.89. Question to whom these fees were paid and under what authority taken? File verified

supplement. **Supp: Petitioner indicates that all professional fees collected have been either attorney or trustee fees. Billed at \$300/hour for attorney's time and \$85/hour for paralegal time. Need qualifications of paralegal per CRC 7.703(e). File verified supplement.**

3. From the original \$140,000 home equity line of credit, \$20,000 was used for past due debts of "various sorts". Question if petitioner is able to properly account for this missing \$20,000 and itemize the various debts paid? File verified supplement. **Supp: Petitioner alleges he did not have control of the initial \$20,000 and is unable to account for the \$20,000. Petitioner alleges that "Penny" manages Laura's affairs and is consistently hostile with petitioner. Petitioner also alleges that he is also threatened by "Penny" with various dire consequences if all of Laura's funds are not made available to her immediately. See note 5.**
4. The proposed MPT trust has the following concerns:
 - (a) Trustee's compensation is to be paid upon demand, rather than pursuant to court order (page 2, Article II, subsection [D]).
 - (b) Trustee shall not be required to post bond (page 2, Article II, subsection [B]). The court may wish to require bond of \$150,000. JTD
 - (c) The beneficiary will retain a special power of appointment (Article IV) to allocate assets for distribution as she wishes. However, as this is a proposed Irrevocable Trust subject to Medi-Cal rules and regulations, any modifications to the trust should be approved by the court. JTD
 - (d) There is no provision that upon the beneficiary's death, that Medi-Cal would receive notice and any payment that is due them (Article VII, page 9)
5. **Need report of counsel (Attorney James Church).**

RECOMMENDATION:

Need report of counsel and then Court's discretion. If MPT Trust is established, court may wish to require \$150,000 bond as well as set accounting review date of 1/28/10.

Accounting to be filed 30 days in advance.

(gls/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800919

CASE NAME: RAYMOND L. ORTON

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

JEANNE M ORTON (PET)...SKVARNA LAW FIRM
RAYMOND L ORTON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. Need to file proof of publication.

RECOMMENDATION:

RFA subject to note 2. If approved, set hearing on the filing of the inventory and appraisal
for 7/2/09. Set hearing on accounting review for 1/28/10. Accounting to be filed 30 days
in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800923

CASE NAME: LOIS MILDRED ELLIS

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

KATHLEEN G FINFROCK (PET)...JAMES B CHURCH
LOIS MILDRED ELLIS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. Need to file proof of publication.

RECOMMENDATION:

RFA subject to note 2. If approved, set hearing on the filing of the inventory and appraisal
for 7/2/09. Set hearing on accounting review for 1/28/10. Accounting to be filed 30 days
in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: SPASS4979

CASE NAME: ESTATE OF LULA CRITTENDEN

HEARING:
Hearing re Final Discharge

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...GRESHAM SAVAGE NOLAN & TILDEN
LULA CRITTENDEN (DEC)...
LOUANN SMITH (PET)...JACK B OSBORN

GENERAL INFORMATION:
Continued from 9/25/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON filing final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Order for Final Discharge granted 9/20/07.
- 2 Receipts are filed.
- 3 Final Discharge declaration/order was returned for correction on 3/13/08.
Need same. It is noted that there is a discrepancy in the about distributed to Xava Alsip. The distribution was to be 50% to each heir, however, the receipt for Xava Alsip's share is \$10,295.55 short. File verified supplement.

RECOMMENDATION:
Need to submit final discharge declaration/order.
(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: SPASS5015

CASE NAME: ESTATE OF PAUL ZIEGLER
SEE ALSO 26

HEARING:

Petition for ORDER DETERMINING INTEREST IN PROPERTY & DIRECTING
TRANSFER OF REAL PROPERTY TO PET

COUNSEL:

PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
PAUL ZIEGLER (DEC)...
W C COX AND COMPANY (PET)...LAYNE A BARTHOLOMEW
RICHARD LAQUE SR (PET)...MARK J. A. FLORY
RUDOLPH W. ZIEGLER III (TP)...E. JOAN NELMS

GENERAL INFORMATION:

Continued from 10-18-07 to file verified supplement.

Continued from 12/04/07 at request of counsel. Nothing new filed.

Last continued from 3/25/08 and 8/7/08. Matter is contested and set for trial.

THIS CASE IS SET FOR HEARING ON Petition for Order Determining Interest in
Property and directing transfer of real property to petitioner (Pr.C. §850)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner is Richard Laque, a claimant/friend of decedent. Petitioner alleges that at the time of decedent's death decedent owned real property at 820 East G Street, Colton. Prior to decedent's death, petitioner alleges that decedent entered into a contract with petitioner wherein decedent agreed to have his house transferred to petitioner in exchange for personal care services. Petitioner and petitioner's wife provided care services for decedent up until decedent's death. Petitioner has standing to bring the petition citing Pr.C. §850(a)(2)(B).
2. Probate Code §21350(a)(4)/(6) prohibits a donative transfer under any instrument where there is a fiduciary relationship or to a care custodian of a dependent adult who is the transferor. Question the authority to transfer the

real property to petitioner? File verified supplement with points and authorities.

3. Petitioner has likewise filed a creditor's claim regarding this same issue. Likewise, the personal representative (i.e., Public Administrator) has filed a petition for instruction regarding payment of the creditor's claim. There is a Status Conference set on these matters set for 12/4/07.
4. **Opposition has been filed by W.C. Cox.**

RECOMMENDATION:

Matter is set for contested hearing. Court's discretion.
(/cbr/gls)

Future date: 11/24/08 – Court Trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: SPASS5015

CASE NAME: ESTATE OF PAUL ZIEGLER
SEE ALSO 25
HEARING:
Readiness Calendar

COUNSEL:
PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
PAUL ZIEGLER (DEC)...
W C COX AND COMPANY (PET)...LAYNE A BARTHOLOMEW
RICHARD LAQUE SR (PET)...MARK J. A. FLORY
RUDOLPH W. ZIEGLER III (TP)...E. JOAN NELMS

No notes – Readiness Calendar.

Future date: 11/24/08 – Court Trial

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS02287

CASE NAME: IN TEH ESTATE OF DEAN M DEVOE

HEARING:
Accounting Review

COUNSEL:
DEAN M DEVOE (DEC)...
R WARREN JONES (TP)...ROBERT K BOLT

GENERAL INFORMATION

Eighth accounting approved on 09/20/07 for period 04/01/06 – 03/31/07.

Continued from 9/25/08 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ninth accounting due for period 04/01/07 – 03/31/08.
2. No accounting has been filed. Need same

RECOMMENDATION

Inquire status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.

(cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06309

CASE NAME: MTR OF CALLIE C SANDERS

HEARING:
Hearing re Final Discharge

COUNSEL:
JOCEYLYN ANDERSON (PET)...RANDALL & ASSOCIATES
CALLIE C SANDERS (DEC)...
CHILD SUPPORT SERVICES/CHARLES(TP)...PRO/PER
ADVANCE INHERITANCE, LLC (JAMES L LEESTMA)...JAMES L L

GENERAL INFORMATION:
Order for Final Distribution granted 8/8/08
Continued from 9/25/08. No appearance and nothing new filed.

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need receipt from Tina Sanders.
2. Need to submit final discharge declaration/order. Proposed final discharge order was returned for corrections on 10/15/08.

RECOMMENDATION:
Find out status.
(gls)

Superior Court of Calif, County of San Bernardino

Page: 29

CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08

TIME: 9:00

DEPT: E1

CASE #: SPRSS06353

CASE NAME: ESTATE OF PEARL GHYST

HEARING:

FIRST AND FINAL Account and Report of SHANI GHYST and Petition
for allowance of fees filed.

COUNSEL:

SHANI GHYST

(PET)...PRO/PER

PEARL GHYST

(DEC)...

GENERAL INFORMATION

Continued from **3/5/07**. Clerk has given notice. Nothing new filed.

Continued from **4/23/07**. No appearance. Clerk mailed notice.

Continued from **6/4/07** at request of petitioner to clear probate notes. Court stated this would be last continuance and petitioner must appear at next hearing.

Continued from **7/23/07**. No appearance. Representative ordered to appear. Clerk mailed notice.

Continued from **8/27/07**. No appearance. Court set OSC re sanctions/failure to appear.

Continued from **10/1/07** as counsel just retained. OSC re sanctions dismissed. Nothing new filed.

Continued from **11/19/07** as counsel was just retained. Nothing new filed.

Continued from **3/17/08** at request of counsel. Shani Ghyst states that she has retained counsel. However, counsel stated she will not be substituted in, but will prepare the paperwork for the petitioner.

Continued from **06/02/08** at request of counsel. Nothing new filed.

Continued from 8-12-08 and 10/7/08 at request of counsel to file a supplement re newly discovered property. Nothing new filed.

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the sole heir and waives accounting.
2. Was a due and diligent search conducted to determine known or reasonably ascertainable creditors? File verified supplement.
3. Petitioner alleges all claims filed and/or debts of the estate have been paid.
4. Did decedent receive health care benefits from the Department of Health Services? Notice was given to DHS on 5/22/08, however, no claim has been filed.

5. Please file verified supplement indicating any family or affiliate relationship between the fiduciary and any agent hired by the fiduciary, if any. (Pr.C. § 1064(a)(4)). Note: Petitioner is the sole beneficiary of the estate. Does court wish to waive this requirement? JTD
6. Petitioner sold the mobile home on or about 5/22/05. Need escrow closing statement per local rule 20-910.
7. Note to Court: There have been several continuances in order for petitioner to clear the probate notes. Since the initial filing of the final accounting, it appears that petitioner has made preliminary distributions to herself via Notice of Proposed Action. Court may wish to set OSC re return of assets and surcharge.

RECOMMENDATION:

Need to clear note 2 and then court's discretion. Court may wish to set OSC re return of assets and surcharge (see note 7) for 1/8/09.

(/kra/vet/cbr/NMT/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06939

CASE NAME: ESTATE OF RICHARD JAMES MILLION

HEARING:
Probate status report filed.

COUNSEL:
FRANK MILLION (PET)...CRAIG M PARKER
RICHARD JAMES MILLION (DEC)...
HEIR BUYOUT COMPANY (TP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Probate Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 6/23/06 (limited authority, \$20,000 bond)
2. Petitioner alleges the estate is not in a position to close as the estate real property must first be sold. Petitioner requests an additional year to conclude the estate administration.

RECOMMENDATION:

Court's discretion. If approved, set next accounting review for 12/3/09. Accounting to be filed 30 days in advance.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07043

CASE NAME: ESTATE OF DOROTHY CAMPBELL

HEARING:
Accounting Review

COUNSEL:
EDDIE BEATRICE HILL (PET)...MATSUNGA & ASSOCIATES
DOROTHY CAMPBELL (DEC)...

GENERAL INFORMATION:

Continued from 10/2/08 at request of counsel. Counsel states an 850 petition will be filed. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Prior Status Report approved on 6/5/08. Petitioner previously indicated additional time was needed to quiet title on the estate's real property. No subsequent accounting/status report has been filed.

RECOMMENDATION:

Find out status. Set compliance date for final accounting/subsequent status report.
(gls)

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07300

CASE NAME: SPECIAL NEEDS TRUST OF MCJENNETT FAMILY

HEARING:
Accounting Review

COUNSEL:
INLAND COUNTIES REGIONAL CENTE(PET)...BRUNICK MCELHANEY &
BECKETT

GENERAL INFORMATION:
Second accounting due for the period 7/1/06 – 6/30/08

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:
Find out status.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH CONSERVATORSHIPS

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: BC BS00014

CASE NAME: STEPHEN MACUTE
SEE ALSO 34

HEARING:
Hearing Re: ACCOUNTING REVIEW

COUNSEL:
STEPHEN TETSU MACUTE (PCE)...MELVIN L FRIEDLAND
SANTOS MACUTE (PET)...PRO/PER
CHRISTINA ERICKSON-TAUBE (CPE)...HORSPOOL & PARKER

GENERAL INFORMATION

Continued from 4/8/08, 7/10/08 and 9/18/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 1-14-08 the court removed Conservator Santos Macute and appointed Christina Erickson-Taube. The accounting review referenced in this petition is for Santos Macute. On 1-14 court ordered Erickson-Taube to file the accounting on behalf of Santos Macute.
2. Note: Petition for Surcharge also before the court (see matter 34)

RECOMMENDATION:

Court's discretion.
NMT/gls/cbr/gls

FUTURE HEARING DATES

2/18/09 Accounting review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: BC BS00014

CASE NAME: STEPHEN MACUTE
SEE ALSO 33

HEARING:
Petition for SURCHARGE BY CHRISTINA ERICKSON-TAUBE

COUNSEL:
STEPHEN TETSU MACUTE (PCE)...MELVIN L FRIEDLAND
SANTOS MACUTE (PET)...PRO/PER
CHRISTINA ERICKSON-TAUBE (CPE)...HORSPOOL & PARKER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Surcharge filed by Christina Erickson-Taube

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service, including service upon the Veteran's Administration and Western Surety Company.
2. Petitioner has filed an accounting for the period 1/21/05 – 1/14/08 on behalf of Stephen Macute. Petitioner was able to obtain the required bank statements following her appointment as successor conservator and after serving a subpoena for production of documents on the bank.
3. Assets on hand: \$237,955.62 (cash)
4. Petitioner has determined that after reviewing the bank records the prior conservator, Stephen Macute, has breached his fiduciary duty and should be surcharged for such breach in the amount of \$104,333.02. This amount was calculated by finding missing income (i.e., VA benefit and social security benefits for periods 4/06-1/08) and for lost interest income calculated at 10% per annum. Petitioner requests that said surcharge be paid through the prior conservator's bond through Western Surety Company.

5. Accounting is not prepared on the mandatory Judicial Council form (GC-400/405). JTD
6. Need to file original bank statements for the entire accounting period per Pr.C. §2620(c)(3).
7. Need to file original facility statements for Pleasant Living Home Care or letter confirming monthly rent. Also Question why the monthly care charge went from \$1,600/month to \$4,000 in an 18 month period? File verified supplement.
8. On disbursements, there are various checks written for "cash" totaling \$188,300 as well as "bank withdrawals" totaling \$27,350.00. Question where these funds went? Can petitioner itemize or account for the funds? Question whether any part of these withdrawals should be subject to surcharge? File verified supplement.
9. Attorney requests fees of \$4,433.00. Billed at \$225-250/hour for 19.2 hours. Itemized. JTD

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700105

CASE NAME: STANLEY KRASOVEC

HEARING:
Accounting Review

COUNSEL:
W A HLAVATY (CPE)...MAUREEN MURATORE
STANLEY KRASOVEC (CEP)...FRANK J PRAINITO

GENERAL INFORMATION:
Letters of Conservatorship issued 9/4/07

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:
1. First accounting is due for the period 9/4/07 – 9/4/08. No accounting is filed.

RECOMMENDATION:
When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0700121

CASE NAME: MTR OF ORRIN LEIF OLSON

HEARING:
Accounting Review

COUNSEL:
CAROLE A OLSON (CPE)...LAYNE A BARTHOLOMEW
ORRINE LIEF OLSON (CEP)...J. DAVID HORSPOOL
LAWRENCE A DEAN II (PET)...SHERRI L KASTILAHN

GENERAL INFORMATION:
First accounting due for the period 11/15/07 – 11/15/08

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed. Need same. Note: Accounting period ends 11/15/08. Court may wish to continue this matter 30 days so an accounting can be prepared.

RECOMMENDATION:
Continue matter 30 days for an accounting to be submitted.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800055

CASE NAME: DAVID W. EPPS
SEE ALSO 38

HEARING:
Petition for TO ENTER INTO CONTRACT AND OR TO PERFORM
OUTSTANDING CONTRACT, ETC

COUNSEL:
JAMES HAWTHORNE SR (PCR)...TAMILA C JENSEN
NANCY HAWTHORNE (PCR)...TAMILA C JENSEN
RICK HAWTHORNE (PCR)...TAMILA C JENSEN
DAVID W. EPPS (PCE)...JEANNE KENNEDY

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Enter into Contract and for authority to Perform Outstanding Contract and for Instructions and to turn over settlement proceeds

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of personal service on the Law Offices of Ramon Otero per Pr.C. §851.
2. Petitioners are the co-conservators of the person and estate of David W. Epps and were appointed on 6/11/08. Petitioners alleges that on 8/17/04, conservatee was injured in an accident resulting in a law suit against the City of Hesperia. Conservatee retained the Law Offices of Ramon Otero on or about 8/23/04. A contingency agreement was signed by Attorney Ramon Otero and David Epps. Mr. Epps signed the agreement with an "X" and Attorney Otero witnessed his signature. Petitioners allege that Mr. Epps lacked capacity to contract. The contract was also signed by James Hawthorne, however, Mr. Hawthorne was not the legal representative of Mr. Epps at that time and had no authority to bind Mr. Epps to a contract. The contract resulted in an \$800,000 settlement after litigation. The contract provided fees of 40% if litigation commenced and settled. Mr. Ramon Otero

is now deceased. He died before mediation. Petitioners, through counsel, have contacted the Law Office of Ramon Otero regarding capacity and the contingency agreement. The law office interpretation of the contingency agreement is that they are to be paid 40% of the settlement. Petitioners point out that contingency fees in minors' compromises are limited to 25% recovery. Petitioners submit that this is appropriate in this case. Because petitioners have been unable to resolve any issues with the Law Offices of Ramon Otero, and the fact that the law office claims a lien on the personal injury settlement, petitioners request that an order that the law offices turn over all proceeds to petitioners less only those sums approved by this court per Pr.C. §850.

3. A final settlement agreement has been presented by the Law offices of Ramon Otero and petitioners advised the law office the agreement must be presented to this court for approval. Petitioners seek authority to enter into a contingency fee agreement on appropriate terms per Pr.C. §2644.
4. Petitioners allege that it is in the best interest of the conservatorship estate that the personal injury litigation settle, but that petitioners do not know how to proceed. Therefore, petitioners seek instructions per Pr.C. §2403.
5. No objections have been filed at the time of the review of this file.

RECOMMENDATION:

Need notice and then set for Evidentiary hearing.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800055

CASE NAME: DAVID W. EPPS
SEE ALSO 37

HEARING:

Petition for AUTHORITY TO PAY TO CONSERVATEE AN ALLOWANCE FOR
HIS PERSONAL USE

COUNSEL:

JAMES HAWTHORNE SR (PCR)...TAMILA C JENSEN
NANCY HAWTHORNE (PCR)...TAMILA C JENSEN
RICK HAWTHORNE (PCR)...TAMILA C JENSEN
DAVID W. EPPS (PCE)...JEANNE KENNEDY

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Authority to Pay to Conservatee an
Allowance for his personal use

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners allege an inventory has been filed in this estate showing a value of \$2,360.88. Conservatee's monthly income is social security benefits of \$876/month. Petitioners also allege that the conservatee has always had an ATM debit card which he likes to use for an occasional dinner out or some other treat. Petitioners wish to continue this practice limiting the amount available for such expenditures to \$200/month.
2. Notice has been given and no objections are filed at the time of the review of this file.

RECOMMENDATION:

Court's discretion.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800061

CASE NAME: ROSE-MARIE C POWER
SEE ALSO 49

HEARING:
Petition for Appointment of Conservator

COUNSEL:
RENEE WILSON (CPE)...ZUMBRUNN LAW CORPORATION
ROSE-MARIE C POWER (CEP)...JANET M HERRING
JEANNE CASE (OBJ)...CALDWELL, KENNEDY & PORTER, A.
ROBERT D POWER (CALDWELL, KENNEDY & PORTER,
A.)...CALDWELL,

GENERAL INFORMATION:
Temporary orders granted on 3/19/08 to Jeanne Case and Robert Power with bond requirement of \$390,000. Letters issued 7/9/08. Bond posted on 6/30/08
Continued from 5/7/08, 6/25/08 and 8/22/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by Renee Wilson (daughter) – Petition #1

Competing Petition for Appointment of Conservator, person and estate, by Jeanne Case and Robert Power (daughter and son) – Petition #2

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition #1:

1. Petitioner requests bond be fixed at \$390,600. Appears adequate.
2. Proposed conservatee will attend the hearing.
3. Court Investigator's report is filed (tabbed).
4. **Objections filed by Jeanne Case and Robert Power.**

Petition #2:

1. Petitioners request that bond be waived as proposed conservatee has nominated petitioners as conservator without bond. Court has already required a bond of \$390,000. JTD
2. Petitioners request 2590 powers.
3. Petitioners request a restraining order against Renee Wilson from taking the conservatee to the bank or other financial institution. Also, that Renee Wilson is now allowed 200 yards from the conservatee at any time.
4. Petitioners request that Renee Wilson turn over any and all documents in her possession including trust documents and letters explaining disbursements of personal items, safe deposit box keys and other items of personal property owned by conservatee.
5. Acknowledgment of receipt of Citation signed by attorney for conservatee.
6. Need to file proof of personal service on Renee Wilson for relief sought under notes 3-4.
7. Proposed conservatee will attend the hearing.
8. Court Investigator's report is filed (tabbed)

RECOMMENDATION:

Court's discretion.

Note: MSC is also before the court (see page 49).

(gls/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00175

CASE NAME: IN THE MATTER OF EDMOND GEORGE TOLL

HEARING:
Hearing re Final Discharge

COUNSEL:
EDMOND GEORGE TOLL (PCE)...
LINDA HAITO (PET)...MARK HENRY SHAFRON

GENERAL INFORMATION

Continued from 5/27/08, 7/10/08 and 9/11/08. No appearance and nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts have been filed. However, Affidavits per Pr.C. §13100 have been filed by the heirs.
2. Ex Parte Petition for Final Discharge and Order submitted and returned for corrections (see left side of file).

RECOMMENDATION:

Find out status of submitting Final Discharge Declaration/Order.

(/gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00460

CASE NAME: WILLIAM F SMITH

HEARING:
Hearing re Final Discharge

COUNSEL:
LAWRENCE A DEAN II (PET)...SHERRI L KASTILAHN
WILLIAM F SMITH (PCE)...

GENERAL INFORMATION:
Order for Final Distribution granted 2/25/08

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:
1. On 2/25/08, the court ordered petitioner to place the conservatorship funds in a blocked account until the issue of distribution is resolved. Court may wish to continue this matter six month to determine whether the Will offered for probate in the State of Kansas was admitted.

RECOMMENDATION:
Court's discretion. Court may wish to continue this matter to 7/2/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: SC SS01172

CASE NAME: IN THE MATTER OF JOSHUA ERIC JONES

HEARING:
Accounting Review

COUNSEL:
JOSHUA ERIC JONES (CEP)...ROBERT C CHANDLER
DAVID JONES (CPE)...HARTNELL LISTER & MOORE

GENERAL INFORMATION:

Eighth Accounting is due for the period 5/4/05 – 5/3/07

Continued from 4/24/08, 7/10/07 and 9/25/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.
2. Court Investigator's Report filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notify the bond company.
(gls/vet/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: SC SS01926

CASE NAME: MTR OF HORACE FUTCH

VACATED

HEARING:
Accounting Review

COUNSEL:

HORACE FUTCH	(CEP)...ELISABETH KEMPE-OLINGER
JOHNNA E. WYANT	(CPE)...ELISABETH KEMPE-OLINGER
STEVEN R. WYANT	(CPE)...ELISABETH KEMPE-OLINGER

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02039

CASE NAME: MTR RE JOAN SMITH

HEARING:

FIRST AND FINAL Account and Report of DIANE D HARKISON and
Petition for allowance of fees filed.

COUNSEL:

DIANE D HARKISON (CPE)...M DANIEL SAYLOR
JOAN SMITH (CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION:

Accounting covers period: 8/1/06 – 7/21/08

Assets on hand: \$226,127.10 (cash of \$224,904.85 and the balance in personal property)

The conservatee died on 2/5/08

Continued from 9/25/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Fourth and Final Account and Petition for
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$17,383.65, of which \$5,000 has been paid, leaving a balance due of \$12,383.65. Billed at various rates for various services not exceeding \$85/hour. Itemized. JTD
2. Attorney requests fees of \$3,409.75. Billed at \$275/hour for attorney time and \$60-\$85/hour for paralegal time. Itemized. JTD
3. Petitioner proposes to distribute the balance of the conservatorship estate to the personal representative of conservatee's probate estate.
4. **Report of counsel is filed questioning gaps in checks as well as duplicate check numbers for different expenditures. Need verified supplement to address counsel's concerns.**
5. **Court-appointed counsel, Attorney deBellefeuille, alleges a final bill for her time will be submitted. As this is a final accounting, need such request for fees to be submitted.**

RECOMMENDATION:

Need verified supplement and Court-appointed counsel's request for fees if fees will be sought.

(gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02787

CASE NAME: MTR OF TOBY GUY HOFF SR

HEARING:

SECOND AND FINAL Account and Report of KRISTI SUE HANSEN and
Petition for allowance of fees filed.

COUNSEL:

KRISTI SUE HANSEN (CPE)...JACK B OSBORN
TOBY GUY HOFF SR (CEP)...MARK J. A. FLORY

GENERAL INFORMATION:

Accounting covers period: 12/29/05 – 2/5/08

Assets on hand: \$625.53 (cash)

THIS CASE IS SET FOR HEARING ON Second and Final Account and Petition for
Distribution/Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 2/5/08, the Court concluded that the conservatee no longer needed a conservatorship and could manage his own affairs.
2. Petitioner waives fees for her services rendered during this accounting period.
3. Attorney requests fees of \$10,132.50. Billed at \$225-\$325/hour for attorney time and \$50-\$125/hour for paralegal time. Itemized. The amount of \$325/hour was billed to "review calendar notes" for a total of 2.4 hours or \$780.00. In addition \$325/hour was billed to "status review of file" for a total of 2.4 hours or \$780.00. This seems an excessive hourly amount to review the probate notes and review status of the file. In addition, there are nominal cash assets available in the estate and conservatee's monthly income totals approximately \$3,200/month. Question how fees will be paid? File verified supplement.
4. Need original facility statements for Braswell's Colonial Care, Webster's Guest House and TV Paran Residential Care per Pr.C. §2620(c)(5)/

5. On disbursements there are truck payments payable to Bruce Hansen of \$110-\$125/month. In addition, there are disbursement to "Omnitrans (bus tickets)". Question why truck payments are being made and why conservatee must also purchase bus tickets? In addition, no truck is listed as property on hand. File verified supplement.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02903

CASE NAME: MATTER OF ELIZABETH JOSEPH

HEARING:
Accounting Review

COUNSEL:

KIMBERLY M SIMON	(CP)...ELISABETH KEMPE-OLINGER
DEBORAH D PUSKAS	(CE)...ELISABETH KEMPE-OLINGER
ELIZABETH JOSEPH	(CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION:

2nd Accounting is due for the period: 7/1/06 – 6/30/08

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: SC SS03203

CASE NAME: MTR OF DONALD C EABY

HEARING:

Petition for SUBSTITUTED JUDGMENT TO INSTRUCT THE CONSERVATOR
TO MAKE GIFTS

COUNSEL:

ALISON HOFFMAN
DONALD C EABY

(PET)...JAMES B CHURCH & ASSOCIATES
(CEP)...BRYAN C. HARTNELL

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Substituted Judgment to instruct the conservator to make gifts

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that the conservatee has not been in the practice of making gifts but has expressed a desire to make gifts at this time to his family members (see tab). Petitioner also alleges there are sufficient assets to make such gifts. The proposed gifts are within the gift tax limits.
2. No objections are filed at the time of the review of this file.

RECOMMENDATION:

Court's discretion.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/20/08 TIME: 10:30 DEPT: E1

CASE #: SC SS8475

CASE NAME: IN THE MATTER OF CLAYTON NASH

HEARING:
Accounting Review

CLAYTON NASH	COUNSEL:
MELODIE Z. SCOTT	(CEP)...JEANNE KENNEDY
TONI NASH	(CPE)...J. DAVID HORSPOOL
	(CPE)...PRO/PER

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

MISC.

DATE: 11/20/08 TIME: 1:30 DEPT: E1

CASE #: CONPS0800061

CASE NAME: ROSE-MARIE C POWER
SEE ALSO 39

HEARING:
Mandatory Settlement Conference

COUNSEL:

RENEE WILSON (CPE)...ZUMBRUNN LAW CORPORATION
ROSE-MARIE C POWER (CEP)...JANET M HERRING
JEANNE CASE (OBJ)...CALDWELL, KENNEDY & PORTER, A.
ROBERT D POWER (CALDWELL, KENNEDY & PORTER,
A.)...CALDWELL,

No notes – M.S.C.

Superior Court of Calif, County of San Bernardino

Page: 1

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN PROBATE

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600322

CASE NAME: LUTHARD J AGRE TRUST UTD AUG 25, 1997
SEE ALSO 2 & 18

HEARING:

Hearing Re: STATUS REPORT/ACCOUNTING REVIEW

COUNSEL:

JUDITH L AGRE	(PET)...	JOSEPHINE A. RICH
LESLIE D AGRE	(TP)...	BETTY AUTON-BECK
LARRY P AGRE	(BETTY AUTON-BECK)...BETTY AUT
LAVONNE M LIPSCOMB	(BETTY AUTON-BECK)...BETTY AUT

XRF SPR07132

GENERAL INFORMATION:

On **7/25/07**, the parties reached a settlement on the Trust issues and court set this review.
Continued from **10/25/07**. No appearance.

Continued from **12/13/07**. Counsel states that by previous stipulation an accounting was waived by all heirs but that a current account is now needed. Court orders counsel to file an accounting or status report.

Continued from **1/31/08** at request of counsel. House sale still pending and counsel requested a 4-month continuance. Nothing new filed.

Continued from **5/29/08** as Mr. Ray advises that the house is now in escrow and will provide documents to Ms. Auton-Beck. Ms. Rich agrees to file accounting immediately.

On 6/3/08 matter came on for Ex-parte hearing re Petition for permission for trustee to sell real property on Clifton Ave. Counsel indicate that they have reached an agreement: house to be sold for \$300,000; buyer and seller to share closing costs; no realtor fees; trust to pay for bond; and preliminary distribution to be made by 6/30/08. Court moves this hearing from 6/26/08 as agreed by counsel.

**Continued from 07/28/08, 9/4/08 and 10/9/08at request of counsel to clear notes.
Summary of account filed only.**

THIS CASE IS SET FOR HEARING ON Accounting Review/Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Summary of account filed. However, there is no report and no hearing date for account to be heard. Need report and hearing date set.

RECOMMENDATION:

Inquire status. When an accounting is not filed as required, the court shall take action as set forth in Pr.C.§11050. Clerk to notice bond company.

(gls/kra/cbr/gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600322

CASE NAME: LUTHARD J AGRE TRUST UTD AUG 25, 1997
SEE ALSO 1 & 18

HEARING:
Petition for PAYMENT OF COSTS ADVANCE BY JUDITH AGRE

COUNSEL:
JUDITH L AGRE (PET)...JOSEPHINE A. RICH
LESLIE D AGRE (TP)...BETTY AUTON-BECK
LARRY P AGRE (BETTY AUTON-BECK)...BETTY AUT
LAVONNE M LIPSCOMB (BETTY AUTON-BECK)...BETTY AUT

XRF SPR07132

GENERAL INFORMATION:

Continued from 10/9/08. Court notes that written objections will be filed by Mr. Pexton to Judith Agre's reimbursement request.

THIS CASE IS SET FOR HEARING ON Petition for Payment of Costs Advanced

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Judith Agre requests reimbursement of costs of \$3,209.54. Itemized.
2. No objections filed at the time of the review of this file. If no objections are filed, court can consider objections waived per CRC 7.801.

RECOMMENDATION:

Court's discretion.
(gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700172

CASE NAME: VIRDON GIBSON

HEARING:

FIRST Account and Report of SUSAN YOUNG and Petition for allowance of fees filed.

COUNSEL:

SUSAN YOUNG	(PET)...PETER
VIRDON GIBSON	(DEC)...

GENERAL INFORMATION:

Continued from **7/7/08** at request of counsel.

Continued from **8/18/08**. No appearance. Court notes that proper notice is still required per Pr.C.§12201. Clerk mailed notice. Nothing new filed.

Continued from 9/15/08 and 10/20/08. No appearance. Need notice of hearing and proof of service. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 1st Status report of administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges the estate is not in a condition to be closed as the real property has not yet sold. In March of 2008 a buy was found but subsequently canceled the purchase.
2. Petitioner requests an extension of one year in order to close the administration.
3. Need notice of hearing and proof of service per Pr.C.§12201.

RECOMMENDATION:

Require notice. If approved, court to set accounting review for **7/13/09**.

(kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700370

CASE NAME: MTR OF BERNARD W KIRBY

HEARING:
Probate status report filed.

COUNSEL:
MARK STEVENSON (PET)...ROBERT A KRASNEY
1ST BANK AND TRUST (PET)...ROBERT A KRASNEY
BERNARD W KIRBY (DEC)...

GENERAL INFORMATION:
Letters Testamentary issued 7/18/07 (full authority, \$20,000 bond)

THIS CASE IS SET FOR HEARING ON Probate Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges the estate is not in a position to close as the real property must first be sold. Petitioner does not set forth an amount of time needed to conclude the administration of the estate, but the court may wish to set a review date of 12/3/09.

RECOMMENDATION:
Court's discretion. If approved, set next accounting review for 12/3/09. Accounting to be filed 30 days in advance.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700382

CASE NAME: ESTATE OF DOROTHY A TAN
SEE ALSO 6

HEARING:
Petition for PRELIMINARY DISTRIBUTION

COUNSEL:
ANGELINE TAN (PET)...JAMES B CHURCH
DOROTHY A TAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Preliminary Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 10/5/07 (limited authority, no bond)
2. Value of estate per inventory \$330,000 (real property \$325,000 and a vehicle \$5,000).
3. Petitioner requests authority to distribute the 2001 Pontiac Grand Prix to Celebration Center Church pursuant to the terms of the decedent's Will. Petitioner alleges that although the estate is not in a condition to close, there will be adequate assets for the continuation of the estate administration.
4. Petitioner has paid a filing fee for this hearing of \$180.00. This type of hearing is exempt from filing fee per Gov't. Code §70658(d)(4). Court may wish to order the return of this filing fee. JTD

RECOMMENDATION:

Court's discretion. Court may wish to set the next accounting review for 12/3/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700382

CASE NAME: ESTATE OF DOROTHY A TAN
SEE ALSO 5

HEARING:
Accounting Review

ANGELINE TAN	COUNSEL:
DOROTHY A TAN	(PET)...JAMES B CHURCH
	(DEC)...

See prior notes (page 5)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700634

CASE NAME: MTR OF RODNEY OLSON

HEARING:
Probate status report filed.

COUNSEL:
TRACY BLACKBURN (PET)...LINDA GUNDERSON
RODNEY OLSON (DEC)...
J MARK HOLLAND (TP)...J

GENERAL INFORMATION **continued from 10/20/08 at request of counsel.**

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The primary asset of the estate was lost to foreclosure. Petitioner does not indicate if there were any excess proceeds from the sale. Court may wish to inquire.
2. There is still one asset remaining valued originally at \$30,000. The petitioner has been unable to sell that asset and asset has now been reduced to \$19,900. It is necessary to sell this asset in order to close the estate, as there are \$363,080.27 in creditor's claims.
3. File notice of hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory.** Notice filed does not comply.

RECOMMENDATION:

Require proper notice. If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 11-2-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700788

CASE NAME: GODFREY MARTIN

HEARING:
Petition to determine succession to Real Property

COUNSEL:
MARTIN W COOPER (PET)...BAZAN HUERTA & ASSOCIATES
GODFREY MARTIN (DEC)...

GENERAL INFORMATION:

Continued from **10/1/07** at request of counsel for I&A to be prepared by a probate referee.
Continued from **11/19/07** at request of counsel. Nothing new filed.
Continued from **01/28/08 and 03/24/08** for counsel to provide information about surviving heirs as of the time of decedent's death. Supplement and Inventory and Appraisal filed.
Continued from **4/28/08** at request of court. Need death certificate to determine exact date of death. Nothing new filed.
Continued from 6/23/08 for counsel to file verified supplement to clarify Henry's issues.
Continued from **8/4/08** for waivers from all 3 grandchildren and a property tax certification. Nothing new filed.

Continued from 9-22-08 and 10/20/08. Court indicated that a new inventory and appraisal was filed on 9-18-08. In fact this document was merely a property tax certificate. A waiver of interest was filed by Anne Martin. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is grandson, seeks to determine succession to decedent's real property (alleges intestacy).
2. I&A filed indicating \$27,500 property value. Final I&A filed. However, as the exact date of death could not be provided, the value is estimated for the period of 1972. If court requires copy of death certificate, Court may wish to require a

Corrected Final I&A. **Supp: indicates date of death is 05/05/1972. Judge to decide if I&A is sufficient.**

3. Supplement filed indicating petitioner has paid property taxes since the death of Dorothy Martin.
4. Petitioner did not complete section 9a re existence of spouse or children (and note that this information would be as of 1972 date of death). Supp: Spouse pre-deceased decedent; Dorothy Cooper and Harry L. Martin post-deceased decedent. Dorothy Cooper is survived by petitioner. **2nd Supp (filed 7/21/08): Harry Martin has three children: Anne, David and James Martin. James Martin waives his interest in property. Need waiver and/or assignment of interest from David.**
5. The supplements filed are unverified. A supplement to a pleading must be signed and verified. However, the court may, in the exercise of its discretion, accept for filing and consider a supplement to a pleading signed under penalty of perjury by an attorney for the party offering it, where the information contained in the supplement is particularly within the knowledge of the attorney (CRC 7.104). JTD
6. **Need to file Inheritance Tax Certificate as date of death is 1972.**

RECOMMENDATION

Need to clear notes 4 and 6 then Court's determination re notes 2 and 5.

(/cbr/gls/kra/cbr/KRA/NMT/gls)

Superior Court of Calif, County of San Bernardino

Page: 9

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800068

CASE NAME: GARY C. MYERS

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

ROY R HOFFMAN	(PET)...	BARBARA G. KNOX
GARY C MYERS	(DEC)...	
CHRISTY K KING	(CON)...	GIESER & ASSOCIATES

GENERAL INFORMATION:

Continued from 3/3/08 at request of counsel to clear notes.

Continued from 4/14/08 at request of Attorney Gieser to file objections.

Continued from 6/2/08 at request of counsel as parties are attending mediation. Nothing new filed.

Continued from 8/18/08 at request of counsel-jointly as parties report they are pursuing mediation. Court informs parties that proof of service on Gina Myers is still required.

Notice to be given by Attorney Knox. Nothing new filed.

Last continued from 10/20/08. Counsel advises that parties intend to pursue mediation.

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Section 9 of the petition lists Gina Myers, former spouse. However, there has not been proper notice given for Gina Myers. Does court wish to require notice? **Court orders proof of service on Gina Myers.**
2. Will waives bond
3. **Objections filed by Christy K. King.**

RECOMMENDATION:

Court's determination re note 1. Set for contested hearing.

(cbr/NMT/kra/cbr/kra/vet/kra/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800160

VACATE – FINAL INVENTORY FILED 8/28/08

CASE NAME: In re Estate of Roberto Salas-Reyes

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
ROBERT SALAS (PET)...ELISABETH KEMPE-OLINGER
ROBERTO SALAS-REYES (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800174

VACATE – FINAL INVENTORY FILED 10/16/08

CASE NAME: MTR OF JERRY DEAN WILLIAMS

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
HOWARD WILLIAMS (PET)...BRENT DAVID GRIDER
JERRY DEAN WILLIAMS (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800182

VACATE – FINAL INVENTORY FILE 8/6/08

CASE NAME: ELLEN MAE TIEDGEN

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
ERNEST WILLIAM TIEDGEN III (PET)...ROGER VON KAESBORG
ELLEN MAE TIEDGEN (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800328

CASE NAME: MTR OF WALTER W SANTELMAN
SEE ALSO 14

HEARING:
Hearing Re: STATUS CONFERENCE

COUNSEL:
DARREL RICKS (PET)...LAW OFFICE OF STEPHEN L SNOW
WALTER W SANTELMAN (DEC)...
VERA M SANTELMAN (PET)...JONES & BRAYTON
DARREL RICKS (OBJ)...SNOW LAW CORP.

No notes – Status Conference.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800328

CASE NAME: MTR OF WALTER W SANTELMAN
SEE ALSO 13

HEARING:
Hearing Re: STATUS CONFERENCE

COUNSEL:
DARREL RICKS (PET)...LAW OFFICE OF STEPHEN L SNOW
WALTER W SANTELMAN (DEC)...
VERA M SANTELMAN (PET)...JONES & BRAYTON

No notes – Status Conference.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800868

CASE NAME: GORDON HEYER

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

CANDI SOLLIS (PET)...JOSEPHINE A. RICH
GORDON HEYER (DEC)...

GENERAL INFORMATION:

Special Letters of Administration granted on 9/30/08.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA by niece

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that all estate funds be placed in blocked account. Court
may wish to set review date for proof of blocked account.

RECOMMENDATION:

RFA. If approved, set hearing for filing proof of blocked account for 30 days. Set hearing
on the filing of an inventory and appraisal for 7/2/09. Set hearing on accounting review for
1/28/10. Accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800914

CASE NAME: ETHEL DEST

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

PAUL DEST	(PET)...	COPENBARGER & COPENBARGER
ETHEL DEST	(DEC)...	

GENERAL INFORMATION:

Special letters of administration granted on 10/22/08 (no bond)

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary
with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. Need to file notice of petition to administer estate and proof of service.
3. Need to file proof of publication.

RECOMMENDATION:

RFA subject to notes 2 & 3. If approved, set hearing on filing inventory and appraisal for
7/2/09. Set hearing on accounting review for 1/28/10. Accounting to be filed 30 days in
advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800922

CASE NAME: ALOYS HEINRICH BOKEL

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

RAINER BOKEL (PET)...E. JOAN NELMS
MARTINA WARVAROVSKY (PET)...E. JOAN NELMS
ALOYS HEINRICH BOKEL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA by son and daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are sole heirs and waive bond. JTD
2. Need to file proof of publication.

RECOMMENDATION:

RFA subject to note 2. If approved, set hearing on filing inventory and appraisal for
7/2/09. Set hearing on accounting review for 1/28/10. Accounting to be filed 30 days in
advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS07132

CASE NAME: ESTATE OF LUTHARD JOHN AGRE
SEE ALSO 1 & 2

HEARING:

FIRST AND FINAL Account and Report of JUDITH L AGRE and Petition
for allowance of fees filed.

COUNSEL:

LESLIE D. AGRE	(PET)...	BETTY AUTON-BECK
LUTHARD JOHN AGRE	(DEC)...	
JUDITH L AGRE	(PET)...	JOSEPHINE A. RICH
LARRY P AGRE	(PET)...	BETTY AUTON-BECK
LAVONNE M LIPSCOMB	(PET)...	BETTY AUTON-BECK

XREF PRO600322

GENERAL INFORMATION:

Continued from 10/9/08 for Attorney Pexton to file supplement re tax issues and concerns.

THIS CASE IS SET FOR HEARING ON First and Final Accounting and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests statutory compensation of \$10,739.81. Ok.
2. Attorney requests statutory fees of \$10,739.81. Ok.
3. Attorney requests extraordinary fees of \$3,232.50 for services in connection with the sale of the estate's real property. Billed at \$225/hour for attorney time and \$100/hour for paralegal time for a total of 11.7 hours. Itemized. The court will generally not consider awarding extraordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker Estate (1963) 221 Cal. App. 2d 792). File verified supplement. **Supp: petitioner indicates declaration in support was filed on 08/29/08. However, the declaration does not indicate whether**

ordinary fees have actually been earned. Need to file verified supplement.

4. Petitioner requests reimbursement of costs advanced of \$16,103.93. Itemized. Ok.
5. Attorney requests reimbursement of costs advanced of \$4,337.03. Itemized. Ok.
7. Petitioner requests authority to withhold \$700.00 as a reserve for preparation of the estate's tax returns.
8. **Objections filed 10/20/08**

RECOMMENDATION:

Need verified supplement re note 3 and then set for contested hearing.
(gls/cbr/gls)

Superior Court of Calif, County of San Bernardino

Page: 19

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS07276

CASE NAME: ESTATE OF JULIA ROSALES

HEARING:

FIRST Account and Report of DORA VASQUEZ and Petition for allowance of fees filed.

COUNSEL:

DORA VASQUEZ (PET)...RICHARD J. MCANDREW
JULIA ROSALES (DEC)...

GENERAL INFORMATION

Continued from 02/25/08 and 4/28/08 at request of counsel.

Continued from 06/05/08 and 7/3/08 of the Court to clear note 1.

THIS CASE IS SET FOR HEARING ON First Account Current.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Creditor claim filed by the Dept. of Health Services has not yet been paid. Petitioner alleges the claim will be secured by lien on the real property (the estate's only asset). Question whether DHS accepts this arrangement for payment of their claim or whether the real property must first be sold to satisfy claim? File verified supplement.
2. As it appears the real property will not be sold, question why this is not a final account and that administration cannot be closed. Petitioner does not state the status of the administration or requests an extension of time or final distribution.
Supp: Petitioner requests an additional ninety days to close the administration of the estate.

RECOMMENDATION:

Need verified supplement re note 1. If approved, court to set next accounting review for 7/9/09.

(kra/gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN CONSERVATORSHIPS

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700048

CASE NAME: GERALDINE DELORES HURD

HEARING:

FIRST Account and Report of PATRICIA SYKES and Petition for allowance of fees filed.

COUNSEL:

PATRICIA SYKES (PET)...EDWARD B FISCHEL
GERALDINE DELORES HURD (CEP)...

GENERAL INFORMATION:

Accounting covers period: 7/9/07 – 7/8/08

Assets on hand: \$381,046.77 (cash \$2,319.37, real property of \$375,000 and the balance in securities)

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that the court reserve jurisdiction over fees for this accounting period until a later date. JTD
2. Attorney requests fees of \$5,215.50. Billed at \$250/hour for attorney time and \$95-\$190/hour for associate time (associate was billed at a lesser rate prior to passing the California bar). Itemized. JTD
3. On disbursements, there are care facility payments. Included in some of the payments is a "late charge of 1.5%" of the balance due. The total late charges paid for this accounting period equal \$606.82. Question why petitioner does not pay the care facility statements timely to avoid the late charges? Furthermore, question if this amount should be deducted from any future fees payable to petitioner? File verified supplement.
4. On disbursements there are "overdraft" charges totaling \$270.00. Question the circumstances for which overdraft charges were incurred? Furthermore,

question if this amount should be deducted from any future fees payable to petitioner? File verified supplement.

5. On disbursements, there are payments to petitioner for "reimbursement for property improvements/advances to conservatee" totaling \$9,032.00. Need itemization for what improvements/advances were made. File verified supplement.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700178

CASE NAME: In re Matter of Marilyn Willette Garrett

HEARING:
Hearing Re: ANNUAL REVIEW

COUNSEL:
GEORGETTA SLAY (PET)...PRO/PER
MARILYN WILLETTE GARRETT (CEE)...DONNA LEE STURGILL DIAZ

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Annual Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This is a conservatorship of the person only.
2. Report of court-appointed counsel is filed (tabbed). Court relieved Attorney Sturgill-Diaz on 8/14/08.
3. Court Investigator's report is filed.

RECOMMENDATION:
Court's discretion.
(gls)

Superior Court of Calif, County of San Bernardino

Page: 22

CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700290

CASE NAME: MTR OF NANCY L KOCHANSKI

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of BARBARA NAGY

COUNSEL:

BARBARA NAGY	(CPE)...PRO/PER
NANCY KOCHANSKI	(CEP)...

GENERAL INFORMATION

Conservator appointed 2/11/08, no bond.

Continued from 6/30/08, 8/18/08 and 9/15/08 to clear notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Statement of Care Plan filed in confidential file for court's review.
2. Final I&A filed. However, Attachment 1, items 1-3, is appraised by the personal representative. As these appear to be assets other than cash, these items must be appraised by the probate referee Pr.C. §8902. **Corrected Inventory and Appraisal filed. However, the notes are not corrected. Need probate referee to appraise attachment 2. Also, Section 6 et seq of petition is incomplete and not signed. Need Corrected final Inventory and Appraisal.**
3. Six month Court Investigator report filed on 07/21/08.

RECOMMENDATION

Need to clear note 2. When documents are not filed as ordered, court may set a hearing in accord with Pr.C. §2655
(kra/gls/cbr)

FUTURE HEARING DATES:

5/04/09 Accounting Review

Superior Court of Calif, County of San Bernardino

Page: 23

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800074

CASE NAME: RUTH C. NICKLAUS

HEARING:

Petition for FOR ORDER DETERMINING INTEREST IN PROPERTY AND
DIRECTING TRANSFER OF PROPERTY

COUNSEL:

TERRY L HECKER (CPE)...DENNIS M SANDOVAL
RUTH C NICKLAUS (CEP)...MARK J. A. FLORY

GENERAL INFORMATION

**Continued from 7/15/08 and 9/24/08 at request of counsel – waiting for objections.
Court notes on 9/24/08 that a settlement is pending.**

THIS CASE SET FOR HEARING ON Petition for Order Determining Interest in Property
and Directing Transfer of Property Pr. C. § 850

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Terry L Hecker was appointed Conservator of the person and estate on 06/10/08.
2. Petitioner alleges that on 08/29/03, the Conservatee (but prior to conservatorship) purchased real property located in Chino, Ca. All the funds of the now-Conservatee, Ruth Nicklaus, were used to purchase the real property. Ruth put her daughter, Sharon Griffin, on title with her as joint tenant. During the period through 2003 to 2006, Ruth was being treated by her physician and was evaluated and on 10/06/06 petitioner alleges that the doctor's opinion was that Ruth "lacked mental capacity". On 02/14/07, Sharon Griffin allegedly induced Ruth to sign a Quit Claim Deed transferring her interest in the property to "Sharon A Griffin, an unmarried woman." (Sharon Griffin was married to Dale Griffin at that time). The home was later sold on 03/20/07 for \$480,000 with net proceeds of \$440,000. Sharon Griffin allegedly deposited the proceeds of the sale into various bank accounts. On 07/02/07, Sharon Griffin committed suicide. It is petitioner's understanding that before Ms. Griffin's death, John Barbarich (Sharon Griffin's son) and Dale Griffin (her husband) were beneficiaries on various accounts. After Ms. Griffin's death, petitioner alleges that John Barbarich began attempting to access the funds from the sale of Ruth Nicklaus' home and obtained approximately \$123,000 or more. On 09/25/07 the Court appointed Dale Griffin Special Administrator of the Estate of

Sharon Griffin (**PROPS 0700738**). The Estate of Sharon Griffin allegedly has possession of funds totaling approximately \$282,000. It is petitioner's understanding that Dale Griffin agrees that these funds should be returned to their rightful owner, Ruth Nicklaus. Petitioner claims that the real property was obtained by Sharon Griffin by fraud or by undue influence Ruth Nicklaus. Additionally, the petitioner claims that by mistake, misrepresentation, or by some violation of the trust of Ruth Nicklaus, Sharon Griffin obtained title and funds from the proceeds of the sale. The petitioner claims that by mistake, misrepresentation or by some violation of the trust of Ruth Nicklaus, John Barbarich obtained some funds that were from the proceeds of the sale.

3. Additionally petitioner claims that Sharon Griffin obtained title to the real property and the proceeds of the real property. Therefore, petitioner alleges Sharon Griffin was constructive trustee of the real property of Ruth and subsequently John Barbarich of Sharon Griffin's estate.
4. Petitioner also alleges that Sharon Griffin and John Barbarich committed acts of Financial Elder Abuse on a person over the age of 65.
5. Petitioner ultimately requests the following:
 - a. Return of all funds of the estate of Sharon Griffin that were the proceeds of the sale of real property of the Ruth Nicklaus.
 - b. Return of funds that John Barbarich holds from the sale of Ruth Nicklaus' real property.
 - c. That Sharon Griffin and John Barbarich be found to have committed acts of undue influence upon Ruth Nicklaus.
 - d. That Sharon Griffin and John Barbarich be found to have committed elder financial elder abuse upon Ruth Nicklaus.
 - e. That the Court find that the estate of Sharon Griffin and John Barbarich are constructive trustees of the assets of Ruth Nicklaus or in the alternative, the estate and John Barbarich be required to account for the monies taken by Sharon Griffin from Ruth Nicklaus.
 - f. That the Special Administrator of the Estate of Sharon Griffin has acted in good faith in securing the funds of Ruth Nicklaus and agrees that the funds should be returned to her.
 - g. That the Court find that damages under Pr. C. § 859 of Double amount, that is found to be taken by bad faith, be imposed against John Barbarich.
 - h. That the Court finds John Barbarich to owe damages to Ruth Barbarich for financial elder abuse.
 - i. Costs and attorney's fees for this proceeding.
6. There is no opposition in the file at the time of this review.

RECOMMENDATION

Court's discretion.

cbr/vet/abs/gls

FUTURE HEARING DATES:

12/09/08 Conservatorship Compliance Review

8/18/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800100

CASE NAME: IDA L. GALLAGHER

HEARING:
Accounting Review

COUNSEL:
CAROL LUE GALLAGHER KUHN (PCR)...HARTNELL, LISTER & MOORE
IDA L. GALLAGHER (PCE)...

GENERAL INFORMATION:

Continued from 10/9/08 at request of counsel. Counsel advises there are no assets.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At prior hearing on 8/21/08, counsel advised that the conservatee died on 5/16/08 and temporary conservator would file an accounting. No accounting is filed. If conservatorship estate qualifies, petitioner could file a waiver of accounting per Pr.C. §2628.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk to notice bond company.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800108

CASE NAME: ABIOBUN S. O. SHODIYA

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of CHARLOTTE R. JACKSON

COUNSEL:

CHARLOTTE R. JACKSON (PCR)...PRO/PER
ABIOBUN S. O. SHODIYA (PCE)...E JOAN NELMS

GENERAL INFORMATION:

Letters of Conservatorship (person and estate) issued 5/29/08

THIS CASE IS SET FOR HEARING ON Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Care Plan is filed.
2. No inventory is filed. Need same. If there are no assets, need inventory showing a zero value estate.
3. Court Investigator's six-month report is due 11/29/08. Court may wish to set review date for compliance for 30 days.

RECOMMENDATION:

Inquire re status of inventory. Set review date to receive CI report for 1/08/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800222

CASE NAME: MATTHEW I MALLOY

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of MARY E COZORT

COUNSEL:

MARY E COZORT	(CPE)...	PRO/PER
MATTHEW I MALLOY	(CEP)...	
JOHN MALLOY	(FAT)...	
RICHARD MORALES	()...

GENERAL INFORMATION:

Continued from 10/6/08

THIS CASE IS SET FOR HEARING ON Conservatorship Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship is of person only.
2. At hearing on 10/6/08, the court notes this file was transferred from Riverside County. The court instructs the conservator to file a care plan before this hearing and refers matter to the Court Investigator for a report.
3. Need Court Investigator's report.

RECOMMENDATION:

Find out status of care plan and CI report.
(gls)

Superior Court of Calif, County of San Bernardino

Page: 27

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: PROPS0700738

CASE NAME: SHARON ANN GRIFFIN
SEE ALSO 28 29

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DALE A GRIFFIN	(PET)...	MCINTYRE LAW GROUP
SHARON ANN GRIFFIN	(DEC)...	
JOHN BARBARICH	(PET)...	PETER J LINDEN
JOHN BARBARICH	(TP)...	JULANDER, BROWN & BOLLARD
RUTH NICKLAUS	(MARK J. A. FLORY)...MARK J. A

XRF CON800074

GENERAL INFORMATION:

Order Appointing Administrator issued 9/6/07 (full authority, \$404,410.34 bond)

Continued from 3/13/08. No appearance

Continued from 04/17/08. At the 04/17/08 hearing there was no appearance and the Court ordered Public Administer notified for possible appointment. Notice given by courtroom clerk.

Continued from 5/15/08 at request of counsel– waiting resolution of conservatorship issues.

Continued from 06/18/08 for notes to be cleared and to be heard with CONPS0800074.

Continued from 7/15/08 and 9/24/08 at request of counsel. Court is advised of a possible settlement. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Inventory and Appraisal filed. However, attachment 1 of the Inventory and Appraisal states checking account balance of \$281,973.74 held in Citizens Business Bank. However, copies of bank statements attached showed that as of date of death decedent held accounts in Downey Savings and Bank of America. The total of the various bank accounts according to the statements submitted is \$396,709.64. Therefore the inventory, as filed, is incorrect. Need to file corrected inventory.

RECOMMENDATION: Need to file corrected inventory.

gls/cbr/abs/cbr/abs/gls

FUTURE HEARING DATES: 11/20/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: PROPS0700738

CASE NAME: SHARON ANN GRIFFIN
SEE ALSO 27 29

HEARING:

Petition for ORDER DETERMINING INTEREST IN PRESONAL PROPERTY &
FOR ORDER REMOVING SPECIAL ADMINISTRATO

COUNSEL:

DALE A GRIFFIN	(PET)...	MCINTYRE LAW GROUP
SHARON ANN GRIFFIN	(DEC)...	
JOHN BARBARICH	(TP)...	JULANDER, BROWN & BOLLARD
RUTH NICKLAUS	(MARK J. A. FLORY)...MARK J. A

XRF CON800074

GENERAL INFORMATION

Continued from 06/18/08 at request of the Court to trail Inventory and Appraisal hearing and to be heard with CONPS0800074.

Continued from 7/15/08 and 9/24/08 to clear notes. Court is advised of possible settlement.

THIS CASE IS SET FOR HEARING ON

Amended petition for order determining interest in personal property (Pr.C. 850) and to remove special administrator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Special administration granted to Dale Griffin (surviving spouse) on 8/6/07, \$404,410.34 bond. (Powers limited to marshalling assets only.)
2. Probate petition granted 9/6/07, letters issued on 06/24/08 \$404,410.34 bond.
3. Petitioner is John Barbarich (son/heir).
4. Petitioner alleges that decedent died intestate; that special administrator therefore is only a partial heir and will share the estate with petitioner/son; that special administrator transferred decedent's four bank accounts (CDs) into a new estate account but then transferred the contents of that account to an

unknown account at an unknown bank; that the original CD accounts for which petitioner and/or special administrator were named beneficiaries.; that the court awarded special administration to marshal the accounts only; that special administrator has misappropriated the account funds; that it is unclear why special administrator was appointed to marshal the assets when special administrator's position has been that decedent had previously misappropriated those funds from decedent's mother; that no claim has ever been made for those funds; that special administrator has stated that he would not defend a claim for those assets; that therefore special administrator has a conflict of interest because he would not protect the estate assets; that no action has been taken to determine the ownership of the funds; that petitioner therefore brings this petition to determine his beneficiary status and to distribute the accounts per any beneficiary designations; that petitioner is entitled to at least half of the accounts worth approximately \$225,000; and that petitioner requests an order requiring an accounting by special administrator. Petitioner adds that the funds (and decedent's SUV) are being used by special administrator for his own benefit. **Supp: Amended petition filed based upon essentially the same facts. Emphasis is now placed upon the fact that the subject accounts had petitioner and respondents named as co-beneficiaries such that each has a 50% interest in the accounts.**

5. It appears that petitioner's position is that the original accounts were "pay on death" to a named beneficiary. If so, they are not estate assets. Would need proof of the beneficiary designations. **Supp: Amended petition filed requesting, among other things, that respondent disclose the designations.**
6. Petitioner requests an accounting in the body of the brief but not in the title or prayer to this petition. That relief would therefore be improper. Local Rule 20-601, CRC Rule 7.102. **Supp: Amended petition filed. Note that all requests for an accounting have been dropped.**
7. The prayer of the amended petition requests:
 - a. That funds removed from the subject four accounts belong to petition as named beneficiary;
 - b. That respondent special administrator distribute the accounts per the beneficiary designations;
 - c. That respondent disclose the named beneficiaries for the accounts;
 - d. That respondent disclose the values of the accounts;
 - e. For bank statements from the opening of the new consolidation account to the present;
 - f. For evidence of the consolidated account and its location;
 - g. For delivery of 50% of the proceeds to petition;
 - h. For removal of respondent as special administrator and appointment of an unspecified successor.
8. An amended petition has been filed addressing prior probate notes. Issues:
 - a. Need notice of hearing and proof of service for the amended petition.

- b. Does court wish to deem the opposition to the original petition to be an opposition to the amended petition? Court may wish to inquire re whether respondent wishes to address the amended petition.
- 9. **Opposition to both the original and amended petitions was filed by Dale Griffin.**

RECOMMENDATION

Need to clear notes (see note 8) then set for contested hearing.

abs/cbr/abs/cbr/gls

FUTURE HEARING DATES:

11/20/08 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: PROPS0700738

CASE NAME: SHARON ANN GRIFFIN
SEE ALSO 27 28

HEARING:
Accounting Review

COUNSEL:
DALE A GRIFFIN (PET)...MCINTYRE LAW GROUP
SHARON ANN GRIFFIN (DEC)...
JOHN BARBARICH (TP)...JULANDER, BROWN & BOLLARD
RUTH NICKLAUS (MARK J. A. FLORY)...MARK J. A

XRF CON800074
GENERAL INFORMATION:
Letters of Administration filed 6/24/08 (full authority, \$404,410.34 bond)

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting and/or status report is filed. However, need corrected inventory before an accounting is prepared.

RECOMMENDATION:
Find out status. Court may wish to continue accounting review for 90 days to resolve inventory matter.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02552

CASE NAME: MATTER OF GLORIA BLOOM

HEARING:

Hearing re Final Discharge FOR LAWRENCE DEAN

COUNSEL:

RANDI L GUERRERO	(CP)...EDWARD B FISCHER
GLORIA BLOOM	(CTP)...LENITA A SKORETZ
GARY BLOOM	(SC)...ANNETTE G DE BELLEFEUILLE
LINDA EGGLESTON	(SC)...PRO/PER
LAWRENCE A DEAN	(CPE)...PRO/PER
LINDA EGGLESTON	(TP)...PRO/PER

XREF PRO600060

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02578

CASE NAME: MTR NINA DUSENBURY WAYNICK

HEARING:
Accounting Review

COUNSEL:
NINA JELINEK (CPE)...HARTNELL LISTER & MOORE
NINA DUSENBURY WAYNICK (CEP)...DUANE P BOOTH

GENERAL INFORMATION:

Third Account/Waiver of Account due for the period 2/4/06 – 2/3/07

Continued from 5/29/08, 7/3/08, 8/21/08 and 10/9/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting/waiver of accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. No bonding company to notice.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 32

CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08

TIME: 10:30

DEPT: E2

CASE #: SC SS02906

CASE NAME: MTR OF ROBERT A EDGELL

HEARING:

SECOND Account and Report of DONALD L EDGELL and Petition for allowance of fees filed.

COUNSEL:

DONALD L EDGELL

(CPE)...KARIN HORSPOOL

ROBERT A EDGELL

(CEP)...

GENERAL INFORMATION:

Accounting covers period: 7/6/06 – 7/5/08

Assets on hand: \$49,580.78 (cash)

THIS CASE IS SET FOR HEARING ON Second Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner waives fees for this accounting period.
2. Attorney requests fees of \$1,755.00. Billed at \$225/hour for 7.8 hours. Itemized. JTD
3. During the accounting period, petitioner sold the conservatee's vehicle (i.e., 1984 Chevrolet pickup truck) for \$500, a loss of \$50. However, petitioner did not have 2590 powers or no prior court authority for the sale of the vehicle as required per Pr.C. §2540. Question to whom the vehicle was sold? File verified supplement.
4. Note: A majority of the conservatorship funds are held in attorney-client trust account per prior court order of 7/29/05 to maintain conservatee's Medi-Cal eligibility.

RECOMMENDATION:

Need verified supplement re note 3 and then court's discretion. If approved, set next accounting review for 12/2/10.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: SC SS5742

CASE NAME: IN THE MATTER OF DANIEL R CHRYSLER

HEARING:

THIRD Account and Report of CAROL CHRYSLER and Petition for allowance of fees filed.

COUNSEL:

DANIEL R. CHRYSLER (CEP)...
JAMES H CHRYSLER (CPE)...WILLIAM J WARD
CAROL CHRYSLER (CPE)...CRAIG M PARKER

GENERAL INFORMATION:

Accounting covers period: 8/8/06 – 8/7/08

Assets on hand: \$156,487.91 (cash)

THIS CASE IS SET FOR HEARING ON Third Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner waives fees for this accounting period. Instead, petitioner requests reimbursement for trips to California to visit the conservatee in the amount of \$2,000/year. JTD
2. Attorney requests fees of \$1,320.00. Billed at \$275/hour for 4.8 hours. Itemized. JTD
3. Petitioner requests that the total bond of \$90,000 be exonerated and a new bond of \$30,000 posted as the assets over \$30,000 will be placed in a blocked account. JTD.
4. The summary of account is not on the mandatory Judicial Council form (GC-400/405). Court may wish to require same or alternatively instruct petitioner to utilize the mandatory forms in the next accounting period.
5. The summary of account on page 2 of the report lists assets on hand at \$156,487.91, yet the Assets on Hand schedule (Exhibit "C") lists the balances of assets on hand totaling \$156,307.91. Therefore, the credits are

equal to \$210,043.33 resulting in a deficit of \$180.00. Need corrected summary of account including a statement as to why the accounting does not balance. File verified supplement.

RECOMMENDATION:

Need to clear note 5. If approved, set hearing on proof of blocked account as well as OSC re filing of \$30,000 bond for 1/8/09. Set next accounting review for 12/2/10.

Accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/20/08 TIME: 10:30 DEPT: E2

CASE #: SC SS8154

CASE NAME: IN THE MTTR OF DAVID B PAPKE

HEARING:

Motion Re: TO BE RELIEVED AS COUNSEL Filed by Petitioner
BARBARA JANE SIMMONS

COUNSEL:

DAVID BRENT PAPKE (CEP)...
BARBARA JANE SIMMONS (CPE)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Motion to be Relieved as counsel filed by
Attorney Jack Osborn.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney alleges petitioner has sought other counsel closer to Santa Rosa. Therefore, counsel requests that he be relieved as counsel.
2. Motion and Notice of Motion is undated and unsigned by counsel. Need properly executed motion and Notice of Motion. Does court wish to require counsel to re-notice petitioner? JTD
3. Note: Petitioner previously filed a Change of Residence for conservatee indicating that conservatee is residing in Sacramento. Court may wish to refer matter to the Court Investigator as to a recommendation to transfer this case to Sacramento County. JTD

RECOMMENDATION:

Need properly execution motion and notice of motion. Also, court may wish to refer matter to Court Investigator re transferring case to Sacramento County and set a review date for the CI report for 1/8/09.

(glS)